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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,833	11/09/1999	Cameron T. Cook	233/265	8526
29129	7590	02/24/2004	EXAMINER	
ROCCO L. ADORNATO C/O WEST CORPORATION 11808 MIRACLE HILLS DR. MAIL STOP: W11-LEGAL OMAHA, NE 68135			IRSHADULLAH, M	
			ART UNIT	PAPER NUMBER
			3623	
DATE MAILED: 02/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/437,833	COOK ET AL.	
	Examiner	Art Unit	
	M. Irshadullah	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 24 November 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-35 and 44-52 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-35 and 44-52 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>16 and 17</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

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DETAILED ACTION

1. This communication is in response to the correspondence filed November 24, 2003.

Summary Of Instant Office Action

2. Applicant's arguments regarding claims 1-3, 5-6, 44, 46-48 and 53-55 rejected under 35 U.S.C. 102, and claims 4, 7-43, 45 and 49-52 rejected under 35 U.S.C. 103, Paper No. 15, Office Action mailed August 19, 2003 have been considered and are responded below.
3. Amendments to claims 8, 16, 19, 25, 31, 44 and 49 have been entered.
4. As requested claims 36-40 and 53-55 have been cancelled now, while claims 41-43 were cancelled vide Applicant's 9/04/2002 correspondence.
5. Pursuant to cancellation of claims 41-43 and 53-55, Claims Objection is withdrawn.
6. In view of applicant's amendment to claim 16, Claim Rejection under 35 U.S.C. 112, second paragraph is withdrawn.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 5, 6, 44 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in view of O'Brien US Patent 6,587,831 B1)

Castonguay et al teach:

Claim 1. An system for maintaining and distributing a plurality of respective work schedules generated on behalf of at least one manager supervising a plurality of workers, and for enabling ones of the workers to initiate changes to their own respective work schedules after the work schedules are distributed to the workers, the system comprising at least the following:

a) a schedule generator configured to generate data representing the plurality of respective work schedules for the plurality of workers (Fig. 3 (37), col. 7, lines 11-12, Fig. 4 (54), col. 8, lines 17-19, col. 5, lines 57-61, wherein "a generate schedules routine 54" is a "schedule generator" which generates schedules relating to every individual (or respective work schedules));

b) a database in communication with said schedule generator for storing said work schedule data (Fig. 4 (56 and 54), col. 8, lines 17-19); and

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In the following element:

c) at least one employee interface positioned at least one location within a work environment, wherein said at least one employee interface is in communication with said schedule generator and is configured to display data representing respective ones of the work schedules to corresponding ones of the workers, and is adapted to enable at least a first ones of the workers to initiate at least one change to his or her own respective work schedules after the work schedules are distributed to the workers, without previous interaction between the first one of the workers and any other of the workers with respect to the at least one change.

Castonguay et al teach:

at least one employee interface positioned at least one location within a work environment (**Fig. 1 {24 and 22a-22n} described col. 5, line 55 through col. 6, line 15, wherein cited “work stations 24” indicating “one or at least one employee interface” situated or positioned at any of MU’s 2a-22n, said MU’s representing “work environment**), wherein said at least one employee interface is in communication with said schedule generator and is configured to display work schedule data (**Fig. 1 {24 in 22a-22n communicating with 16 or 18 in 12 and 14}, col. 5, lines 39-57, Fig. 4 {24 interacting with 54, 56 via bidirectional arrow}**) representing respective ones of the work schedules to corresponding ones of the workers (**as discussed in a) above**).

Castonguay et al do not teach:

enabling at least a first ones of the workers to initiate at least one change to his or her own respective work schedules after the work schedules are distributed to the

workers, without previous interaction between the first one of the workers and any other of the workers with respect to the at least one change.

However, O'Brien teaches the same (Col. 9, lines 18-24 and col. 6, lines 23-29, wherein "host displaying current information and employee entering changes" clearly indicating "employee or at least ones of the workers", "entering changes" pointing to "initiating changes or at least one change", cited "current information" relating to respective employee's {his or her own} schedule as indicated by "user viewing the current schedule, col. 6, line 25". It is also clear that cited "employee or first ones of the workers" did not communicate or contact or interact {without previous interaction} with any "employee or other of the workers" regarding said entered changes or at least one change. Moreover, "user or employee or worker viewing current schedule at logon, col. 6, lines 23-29" indicating viewing "already sent or previously distributed" schedule or work schedule). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary in the relevant art at the time of Applicant's invention to incorporate O'Brien's features into Castonguay et al's invention for the above stated reasons.

Claim 2. The system of Claim 1 wherein said work schedule data comprises data regarding employee work schedules that are not generated around one or more predetermined work shifts (Castonguay et al: Col. 2, lines 50-53, col. 8, lines 12-14 and 15-19).

Claim 3. The system of Claim 1, wherein the employee interface is adapted to enable the workers to initiate changes to their work schedules without action by the at least one manager (Castonguay et al: Col. 2, lines 63-67, col. 4, lines 1-3, wherein “revising” inferring “enable ones of the workers to initiate changes” to agents’ (or workers’) above discussed schedule (or work schedule). Moreover, “agent workstations” inferring that agents would effect revision (changes) to their schedules via their workstations and would use the same functions and the system with their requisite privileges as is evident from the recitation of col. 13, lines 1-10, which clearly infers that agents are capable of performing actions including revising (or changing) their schedules on their own (without action by a manager)).

Claim 5. The system of Claim 1 further including a remote user interface in communication with said database to facilitate access by a remote user (Castonguay et al: Fig. 1 (24 in 22a-22n communicating with 16 or 18 in 12 or 14) and col. 5, lines 64-66).

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Claim 6. The system of Claim 1 wherein said employee interface comprises a networked computer having software to facilitate access to said work schedule data (Castonguay et al: Fig. 1 (24 in 22a-22n networked with 12 via 26a-26n), col. 6, lines 8-15).

Claim 44. A scheduling apparatus for creating and displaying a work schedule and for enabling ones of the employees at least to propose changes to the work schedule after the work schedule is distributed, the scheduling apparatus comprising:

- a) means for creating a schedule for each of a plurality of employees (Castonguay et al: Fig. 3 (37), col. 7, lines 11-12, Fig. 4 (54), col. 8, lines 17-19);
- b) means for storing said schedule as schedule data (Castonguay et al: Fig. 4 (56), col. 8, lines 17-19);
- c) means for allowing said employees to view said schedule data at a remote location (Castonguay et al: Fig. 4 (24), col. 5, lines 55-57, col. 2 lines 59-62 and 65-66, col. 5, lines 64-66);
- d) means for retrieving said schedule data from said means for storing (Castonguay et al: Fig. 1 (24 in 22a-22n), col. 5, lines 55-57, Fig. 4 (25 retrieving/receiving schedule data from 56 as indicated by bidirectional arrow)); and
- e) means for displaying said schedule data to at least one of said employees at said remote location (Castonguay et al: Fig. 1 (24 in 22a-22n), col. 2, lines 63-66, col. 5, lines 55-57, Fig. 4 (24));

In the following element:

f) means for enabling ones of said employees to propose changes to their own respective schedule data after distribution of the schedule data without previous interaction between these ones of the employees and any other of the employees with respect to the changes.

Castonguay et al teach:

means for enabling ones of said employees to propose changes to their own respective schedule data (Col. 2, lines 63-67, col. 4, lines 1-3, wherein "revising" inferring availability of a "means allowing (or enabling) agents (or employees) to make (propose) changes their above discussed schedule (or respective work schedule data).

Castonguay et al do not teach:

after distribution of the schedule data, and

without previous interaction between these ones of the employees and any other of the employees.

However, O'Brien teaches the same (Col. 6, lines 23-29 and col. 9, lines 18-24 wherein "user or employee or worker viewing current schedule at logon, col. 6, lines 23-29" indicating viewing "already sent or previously distributed" schedule or work schedule), and

"host displaying current information and employee entering changes" clearly indicating "employee or at least ones of the workers", "entering changes" pointing to "providing or proposing changes or at least one change", cited "current information" relating to respective employee's {his or her own} schedule as indicated by "user

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viewing the current schedule, col. 6, line 25". It is also clear that cited "employee or first ones of the workers" did not communicate or contact or interact {without previous interaction} with any "employee or other of the workers" regarding said entered changes or at least one change. While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary in the relevant art at the time of Applicant's invention to incorporate O'Brien's features into Castonguay et al's invention for the above stated reasons.

Claim 46. The scheduling apparatus of Claim 44 further including means for posting one or more sheets (Castonguay et al: Fig. 3 (27 or 37), col. 6, lines 37-39, col. 7, lines 11-12, Fig. 5, Fig. 1 (2), col. 2, lines 63-64) for display to said employees (Castonguay et al: Col. 2, lines 63-64), whereby said one or more sheets comprise a request to employees to optionally sign-up for increased or decreased work hours as specified on said one or more sheets (Castonguay et al: Col. 2, line 53 (preferences)). Applicant will appreciate that more than one template or schedule would be generated

and displayed/posted which would provide function keys, like F3, F4, F6 (Fig. 5), icons/buttons to facilitate employees' sign-up).

Claim 47. The scheduling apparatus of Claim 44 further including means for posting employee initiated shift trade requests for viewing and sign-up by said one or more employees (Castonguay et al: Fig. 3 (27 or 37), col. 6, lines 37-39, col. 7, lines 11-12, Fig. 5, Fig. 1 (24), col. 2, lines 63-64 and col. 2, lines 59-62).

Claim 48. The scheduling apparatus of Claim 44 further including means for comparing (Castonguay et al: Col. 7, lines 63-64 and Fig. 8 (61, 66), col. 13, lines 21 and 66 through col. 14, line 15) schedule data regarding employees that are scheduled to be working and worker status data regarding employees that are actually at work to determine which employees are scheduled but not working (Castonguay et al: Col. 14, (Table: Overtime). It needs be mentioned that "overtime" is "unscheduled/not scheduled" presence at work of a worker).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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10. Claims 16-21, 23, 25-35 and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in view of O'brien (US Patent 6,587,831 B1).

Claim 16. A method for distributing a work schedule to employees and thereafter enabling the employees to at least initiate at least one modification to a previously distributed work schedule, the method comprising at least the following:

In the following element:

a) storing data representing the previously distributed work schedule in a database, wherein said data defines the work schedules of a plurality of employees;

Castonguay et al teach:

storing data in a database, wherein said data defines the work schedules of a plurality of employees (Fig. 4 (56), col. 8, lines 17-19), wherein said data defines the work schedules of a plurality of employees (Fig. 3 (27, 33, 35, 37), described col. 6, lines 37-40, col. 7, lines 5-12, col. 7, lines 57-63 read with col. 5, lines 57-61. The cited "agents" are employees or servers (Col. 1, lines 66-67 read with lines 17-18) and "team" points to plurality of agents (employees).

Castonguay et al do not teach:

(data) representing the previously distributed work schedule.

However, O'Brien teaches the same (Col. 6, lines 23-25, wherein "user's viewing the current schedule at log on" infers viewing "already sent (previously distributed)" schedule (or work schedule)). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data

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or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention, thereby entailing a system which would allow users (or agents, workers, employees) remote access to receive scheduling information (or schedules) and take further actions, such as plan their after work activities including working available overtime or requesting requisite number (more or less) of work hours etc..

In the following element:

b) providing employee access to said work schedules at one or more terminals at one or more locations within a place of business;

Castonguay et al teach:

work schedules (Fig. 4 (56 to 24), col. 2, lines 59-63 and 64),
agent (employee) workstations (Col. 5, lines 46-47) located at one or more locations within a place of business (Col. 3, lines 41-45 and col. 5, lines 61-63 and 63-64). Cited agent workstations (terminals) would be part of MU (agent groups) and would be within the call center (business) locations (local or remote), yet

Castonguay et al do not explicitly teach the undernoted feature:

employees access (work schedules).

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However, O'Brien teaches the same (Col. 3, lines 5-11 and 13-16). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to incorporate O'Brien's feature into Castonguay et al's invention, because it would beneficially provide a system enabling the agents (employees) to obtain (access) information relative to their work schedule and take further actions, such as plan their after work activities including working available overtime or requesting requisite number (more or less) of work hours etc.

In the following element:

c) creating opportunities for at least a first one of the employees to at least initiate at least one modification of their own respective work schedule by posting at least a portion of their work schedule for acceptance by at least a second one of the employees without previous interaction between the first one of the employees and the second one of the employees with respect to the at least one modification;

Castonguay et al teach:

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(System) enable {creating opportunities} supervisors {at least first one the employees, since supervisors are also considered as employees} to revise and modify {initiate at least one modification including their own} schedules (Col. 2, lines 64-66 and col. 16, lines 13-15).

Castonguay et al do not explicitly teach:

acceptance by employees {second one}, and

without previous interaction between the first one of the employees and the second one of the employees with respect to the at least one modification.

However, O'Brien teaches the same (Col. 8, lines 55-64, wherein "other employee entering, line 56" indicating "second one of the employees" and "host's creating a revised schedule reflecting swap requests and notifying both employees of the swap" indicating that said other or second ones of the employees had accepted the request of first ones of employees. Said swapped shift would relate to above discussed shifts pool), and

"an employee or first ones of the employees entering request in the system, line 55, and other or second one of the employees entering his request into the system, line 56" indicating that cited "employee or first ones of the workers or other or second ones of the employees" just enter their respective requests into the system and did not communicate or contact or interact {without previous interaction} with any "employee or other of the workers" regarding said entered requests. While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any

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communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary skill in the relevant art at the time of instant invention to incorporate O'Brien's features into Castonguay et al's invention for the above stated reasons.

d) transmitting (Castonguay et al: Fig. 1 (5ESS Switch ACD communicating with MIS database 16 via 14 and central computer 12 communicating with 22a-22n via 26a-26n) described col. 5, lines 41-49, 55-56 recited with col. 6, lines 13-15 and Fig. 4) said opportunities to said one or more terminals (as discussed in b) above) wherein at said one or more terminals (at least the second one of the employees would access their own respective work schedule to accept at least the portion of the previously distributed work schedule posted by the first one of the employees, thereby enabling both the first one and the second one of the employees at least to initiate at least one modification of their own respective work schedules without previous interaction between the first one of the employees and the second one of the employees with respect to the at least one modification (See discussion in Applicant's claim 1c) above including the motivation).

In the following claim Castonguay et al do not teach the claimed features, however, O'Brien teaches the same:

Claim 17. (Amended herein) The method of Claim 16, further comprising evaluating whether the second one of the employees is qualified to accept the portion of the work schedule posted by the first one of the employees (Col. 8, lines 53-61, wherein “other employee’s entering corresponding swap” inferring claimed “other (or second) employee’s acceptance” of first employee’s (lines 54-55) and system’s confirming and verification if the action (acceptance) is consistent with “scheduling requirements” implicitly inferring “employee’s (other employees) qualification”. While Castonguay et al provide planning and scheduling personnel, O’Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant’s invention to incorporate O’Brien’s feature into Castonguay et al’s invention, because it would beneficially provide a system to verify consistency of user’s (employee’s) action(s) with scheduling requirements including their qualification.

Claim 18. The method of Claim 16 wherein said creating opportunities comprises generating sheets (as discussed above) and displaying said sheets on at least one of an overhead display or at least one of a terminal (Col. 6, line 11 read with col. 5, lines 46-47 and Fig. 5, col. 8, lines 3-7 and col. 2, line 2. Applicant will

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appreciably realize that cited template is nothing but a sheet and the same would be depicted (displayed) at agent workstations (Col. 5, lines 46-47) or workstation 24 of Figs. 1 and 4 and see the discussion about use of O'Brien's computer 120 both by management and employees in Applicant's claim 16b) above).

Claim 19. The method of Claim 16 further including the steps of;

a) establishing a pool (Castonguay et al: Fig. 3 (25), col. 6, lines 25-28, col. 5, lines 57-63 and Fig. 8 (61), col. 13, lines 20-21. Applicant will appreciate that reference's organizing "team", "management units" and building "list" pointing to "establishing" cited list 61 (pool) to which employees would post shifts that are available for trade using their workstations (Castonguay et al: Col. 5, lines 46-47 or using keyboard connected to workstation 24 (Castonguay et al: Col. 6, lines 10-11) in light of the discussion in Applicant's claim 16b) above. It needs be mentioned that there is no recitation of keyboard attached to agent workstations, however, it is considered to have one in light of the description of workstation 24 having keyboard (Castonguay et al: Col. 6, lines 9-11);

In the following element:

b) allowing the first one of the employees to post at least one of the shifts to said pool.

Castonguay et al teach:

shifts pool (As discussed above).

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Castonguay et al do not teach:

allowing the first one of the employees to post shift.

However, O'Brien teaches the same (Col. 8, lines 53-55, wherein host's "accommodating shift swap" indicating "allowing" employee or first one of the employees whishing to swap shift or at least one of the shifts, and "employee or first ones of the employees entering shift swap request" into the system indicating "inputting or posting" said shift into above discussed pool. While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, input data, modify or make changes therein on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary skill in the relevant art at the time of instant invention to incorporate O'Brien's features into Castonguay et al's invention for the above stated reasons.

In the following element:

c) allowing the second one of the employees to accept at least one of the shifts from said pool without direct interaction between the first one of the employees and the second of the employees;

Castonguay et al teach: Shifts pool (As discussed above).

Castonguay et al do not teach:

allowing the second one of the employees to accept a shift, and without direct interaction between the first one of the employees and the second of the employees.

However, O'Brien teaches the same (Col. 8, lines 56-64, wherein "other employee entering request" indicating host "accommodating or allowing" cited "other or second one of the employees" entering "a similar or corresponding swap request into the system", and "host generating revised schedule 'reflecting' the swap requests" and "notifying employees of the swap" indicating that "other or second one of the employee" had accepted the swap request of said first one of the employee), and it is also clear that each of the employee enters swap request into the system and have no communication, contact or interaction with each other {without interaction between the two}). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary in the relevant art at the time of Applicant's invention to incorporate O'Brien's features into Castonguay et al's invention for the above stated reasons.

In the following element:

d) modifying said employee work schedules based on said posting to said pool and said acceptance of shifts from said pool without previous interaction between the first one of the employees and the second one of the employees with respect to the at least one of the shifts.

Castonguay et al tech:

Shifts pool (As discussed above).

Castonguay et al do not tech:

modifying said employee work schedules based on first employee's posting and second employees accepting request, and

without previous interaction between the first one of the employees and the second one of the employees with respect to the at least one of the shifts.

However, O'brien teaches the same (Col. 8, lines 57-64, wherein "host generating revised schedule reflecting the swap request" indicating "revising or modifying employees' {first one's and second one's} schedules or work schedule), and

without previous interaction between the first one of the employees and the second one of the employees with respect to the at least one of the shifts (See discussion in element c) above). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify

or make changes on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary in the relevant art at the time of Applicant's invention to incorporate O'Brien's features into Castonguay et al's invention for the above stated reasons.

Claim 20. The method of Claim 19 wherein said pool comprises a listing stored on said database (Castonguay et al: Fig. 8 (61), col. 13, line 21 and Fig. 4 (54 or 56, col. 8, lines 12-13 and 19. It needs be mentioned reference's "list building" function would be used to build (establish or create) the pool list, like the one under 61 (Fig. 8) and that any of cited databases would be used to store the same) of proposed shift changes posted by employees (as discussed above)).

Claim 21. The method of Claim 19 further including displaying said shifts posted to said pool on a display for viewing by a plurality of employees (Castonguay et al: Col. 5, lines 46-47, Fig. 1 (24 in 22a-22n), Fig. 5, col. 8, lines 3-4, col. 2, line 49 and discussion about use of O'Brien's computer 120 by both management and agents (employees) above)

Claim 23. The method of Claim 16 further including the steps of:

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a) modifying said employee schedules (Castonguay et al: Col. 16, lines 12-15, Fig. 4 (56)) in responses to an employee signing-up for said opportunities for employees to modify their work schedule (As discussed in Applicant's claim 16c) above); and

b) storing said modified schedules in said database (Castonguay et al: Fig. 4 (56), col. 8, line 19) and discussion about use of O'Brien's computer 120 by both management and agents (employees) in Applicant's claim 16 above).

Claim 25. (Amended herein) A method for modifying a schedule to account for changes in workload occurring after the schedule has been distributed to employees, the method comprising at least the following:

In the following element:

a) creating a sheet having one or more slots for a work shift, each of the slots corresponding to an offer to adjust, after the schedule has been distributed to the employees a number of employees specified by the schedule to work during the work shift,

Castonguay et al teach:

creating a sheet having one or more slots for a work shift (Castonguay et al: Fig. 3 (27 or 37), col. 6, 37-39, col. 7, lines 11-12, col. 8, lines 1-3, Fig. 5 (spaces/slots under Minimum, Maximum etc. Weekly: DAYS: 5, HOURS: 40 etc., col. 8, lines 3-4, 15-19 and Fig. 8. Applicant will appreciably realize that reference's tour template or schedule were nothing but sheets when displayed on a workstation or output through other device(s), like printer; and also, both template and schedule ought to have spaces/slots, like the

cited ones, users or employees would use, and Fig. 8 depicting or specifying employees' or a number of employees, such as Light, Connie, Watters, Karen etc.)

Castonguay et al do not teach the undernoted feature:

each of the slots corresponding to an offer to adjust, after the schedule has been distributed to the employees.

However, O'Brien teaches the same (Figs. 2A, 2B, Fig. 5 (530, 570, 580, 590), col. 7, lines 5-6, col. 8, lines 53-65 and col. 9, lines 5-26 and col. 6, lines 18-25, wherein "cells (col. 6, line 28) and "box representations" in cited Figs. infer "slots" in respect of (corresponding to) offer (col. 8, lines 54-55) and "generating revised schedule (col. 8, lines 61-63)" inferring "amending or adjusting" employees as shown (specified) in Fig. 2A (left hand column) schedule and cited "employees viewing current schedules at log on, col. 6, lines 23-25" indicating viewing "already sent or previously distributed" schedule or work schedule). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule which the host would send and generating revised schedules. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes on their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to incorporate O'Brien's feature into Castonguay et al's invention, because it would beneficially provide a system to amend cells (slots) and

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readily generate amended or revised schedule in requisite format and as and when needed.

b) transmitting (Castonguay et al: Col. 5, lines 46-47 recited with lines 47-52, Fig. 1 (12 to 24 in 22a-22n via 26a-26n), col. 5, lines 55-57, col. 2, lines 60-62, 63-64) said sheet for viewing by a plurality of employees (in light of the discussion about use of computers 120 both by management and agents (employees) in Applicant's claim 16 above, agent (employees) workstations, col. 5, lines 46-47, would be used to view the sheet which is discussed in a) above) who may accept the offer so as to adjust the number of employees scheduled to work during the work shift (O'Brien: col. 9, lines 9-16 recited with col. 8, lines 53-65, wherein cited "other employee's entering corresponding swap" inferring his "acceptance of offer", "the host verifies effect of swap", "generating revised schedule reflecting swap" infer claimed limitation and see motivation statement in a) above);

In the following element:

c) monitoring by a signing-up to a slot on said sheet by a sign-up employee accepting the offer without previous interaction between the signing-up employee and any other employee with respect to the slot;

Castonguay et al teach:

monitoring (Castonguay et al: Col. 2, lines 59-62 and 65) for a sign-up (as discussed in Applicant's claim 17 above) to a slot on said sheet (as discussed in a) above) by a signing-up employee (Applicant will appreciate that references viewing or monitoring functions would be used for claimed limitation in light of the discussion about

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use of O'Brien's computer 120 by both management and agents (employees) in Applicant's claim 16 above) accepting the offer (Castonguay et al: Fig. 5 (option YES under WORK DAYS), wherein use of "YES" inferring the acceptance of the above discussed offer) without previous interaction between the signing-up employee and any other employee with respect to the slot).

Castonguay et al do not teach:

without previous interaction between the signing-up employee and any other employee with respect to the slot.

However, O'Brien teaches the same (Col. 8, lines 56-64, wherein "other employee entering request" indicating host "accommodating or allowing" cited "other or second one of the employees" entering "a similar or corresponding swap request into the system", and "host generating revised schedule 'reflecting' the swap requests" and "notifying employees of the swap" indicating that "other or second one of the employee" had accepted the swap request of said first one of the employee), and it is also clear that each of the employee enters swap request into the system and have no communication, contact or interaction with each other {without interaction between the two}). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes on

their own without any prior contact or communication with other fellow workers or management.

It would have been obvious to one of ordinary in the relevant art at the time of Applicant's invention to incorporate O'Brien's features into Castonguay et al's invention for the above stated reasons.

upon detecting a sign-up to said sheet:

- d) accepting said sign-up onto said sheet (Castonguay et al: Fig. 5 (option YES under WORK DAYS). Applicant will appreciate that reference's "Yes" option would be used for claimed limitation);
- e) modifying (Castonguay et al: Col. 16, line 14) said sheet to reflect said sign-up (Applicant will appreciate that reference's "modify" function would be used for claimed purpose/limitation);

In the following element:

- f) modifying said signing-up employee's schedule to reflect said sign-up.

Castonguay et al teach:

modifying (Castonguay et al: Col. 16, line 14) said signing-up (as discussed in Applicant's claim 16 above) employee's schedule (Fig. 3 (37), col. 7, lines 10-12)

Castonguay et al do not teach:

"to reflect" the sign-up.

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However, O'Brien teaches the same (Col. 6, line 23 read with col. 8, lines 61-63, wherein "logon" inferring "sign-up" and "revised schedule reflecting swap" inferring "modifying to reflect the sign-up"). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes.

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to include O'Brien's feature into Castonguay et al's invention, thereby providing a system with enhanced functionality and improved utility.

Claim 26. The method of Claim 25 wherein creating a sheet comprises using a computer to create a sign-up page having one or more sign-up slots (See the discussion about "sign-up" in Applicant's claim 17 and about "creating a sheet (page) having slots" in claim 25a) above) to increase or decrease the number of workers scheduled to work during a particular period (Castonguay et al: Col. 1, lines 63-67 read with lines 17-18)

Claim 27. The method of Claim 25 wherein said sign-up comprises an employee signing up on a slot to either work said work shift on the sheet or take off the particular work shift on the sheet (Fig. 5 (options NO, YES, CAN under WORK DAYS.

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Option YES would indicate worker would work the signed-up work shift and NO would indicate that worker would not be able to undertake the work shift and would delete (take off) using F6-Delete function key (Fig. 5). Also, see the discussion about use of O'Brien's computer 120 both by management and agents/employees in Applicant's claim 16 above).

In the following claim:

Claim 28. The method of Claim 25 wherein transmitting further comprises showing said sheet to only employees qualified to work said work shift listed on said sheet,

Castonguay et al teach:

transmitting (As discussed above)

Castonguay et al do not show:

showing the sheet to qualified employee.

However, O'Brien teaches the same (Fig. 2B, wherein schedule depicted in 2B is individual employee's (or qualified employee's). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes.

It would have been obvious to one of ordinary skill in the art at the time of current invention to incorporate O'Brien's feature into the Castonguay et al's invention, thereby resulting into a system with enhanced functionality and improved utility.

Claim 29. The method of Claim 25 further including closing said sheet if all of said one or more slots are filled due to sign-ups (Inherent, since final step (closing the sheet) is taken when requisite information is entered/inserted (slots filled up)).

Claim 30. The method of Claim 25 wherein posting comprises displaying said sheet on at least one over head display or making said sheet available via an employee interface (Castonguay et al: Col. 5, lines 46-47. It needs be mentioned that cited agent (employee) workstations would be equipped with a display device at least in light of recited embodiment of workstations 24 (Col. 6, lines 10-11). The agent work stations would be used for claimed purpose. Also, agent workstations when mounted on a bracket, wall etc. would function as overhead display).

Claim 31. (Amended herein) A method for employees to at least initiate at least one change to their work schedule after distribution of the work schedule to the employees using a scheduling system, the method comprising at least the following:
In the following element:

a) creating a proposed shift trade after distribution of the work schedule, in which proposed shift trade a first one of the employees offers at least a portion of a work shift

to which the first one of the employees is assigned by the work schedule, said proposed shift trade including at least posting employee shift information regarding shift hours and shift date;

Castonguay et al teach:

generating (creating) work shifts or tours for agents of a work place (Col. 2, lines 48-49, col. 7, lines 10-12 and col. 8, lines 8-9 recited with lines 17-19). A user would use reference's generating (creating) function for claimed purpose, and employee shift information includes shift hours and dates (Fig. 5 (Hours, Days), col. 8, lines 3-4).

Castonguay et al do not teach:

after distribution of the work schedule, in which proposed shift trade a first one of the employees offers at least a portion of a work shift to which the first one of the employees is assigned by the work schedule, said proposed shift trade including at least posting employee shift information regarding shift hours and shift date.

However, O'Brien teaches the same (Col. 6, lines 23-25, Fig. 5 (570), col. 8, lines 53-55, wherein "employee's viewing schedule (or work schedule) at logon" inferring "after distribution of the work schedule" and "employee's (first one) swapping shift" inferring "offer proposed shift trade" in whole or part (at least a portion). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes.

It would have been obvious to one of ordinary skill in the relevant art at the time of Applicant's invention to include O'Brien's feature into Castonguay et al's invention, thereby realizing a system with enhanced functionality and improved utility.

b) posting said proposed shift trade to a shift pool, said shift pool configured to accept responses to said posting from other employees (See discussion of Applicant's claim 19b) and 19c) above. In regard to other employees the posting and accepting functions discussed in 19b) and 19c) would be used by any of the employees including one particular and rest of them, say one particular one (Castonguay et al: Fig. 8 Light, Connie) and remaining (other) employees (Watters, Karen through Stankey, John);

c) displaying said shift pool to a plurality of other employees (Castonguay et al: Col. 5, lines 46-47, Fig. 1 (24), col. 5, lines 55-57, Fig. 10 (102), col. 16, lines 20-23. Applicant will appreciate that agent workstations (col. 5, lines 46-47) as well as workstations 24 (in light of the discussion in applicant's claim 16 above about the use of O'Brien's computer 120 both by management and agents (employees)) would be used for depicting (displaying) the shift pool to employees under consideration as per discussion about "other employees" above);

d) monitoring (Castonguay et al: Col. 2, lines 59-62 and 65) said shift pool (See discussion about shift pool in Applicant's claim 19a) above) for a response from at least second employee to accept said proposed shift trade (Castonguay et al: Fig. 5 (option YES under WORK DAYS and col. 14, lines 25-26. Applicant will appreciate that option "Yes" when clicked (or entered) by an agent (employee), result would indicate the response of the employee (agent). Regarding employee "accepting", see the discussion

of Applicant's claim 25b) above). Furthermore, reference's "monitoring" function would be used for monitoring response from the accepting employees. Finally, employees using Castonguay et al's system, see discussion of O'Brien's computer 120 used both by management and employees in Applicant's claim 16b) above); and

whereby upon receiving said response, said method:

In the following element:

e) accepts said response by evaluating whether the at least second employee is qualified to work the portion of the shift offered by the first one of the employees; Castonguay et al do not teach claimed feature.

However, O'Brien teaches the same (See discussion of applicant's claim 17 and col. 8, lines 63-65, wherein "system's notifying both employees about swap" inferring "system's acceptance" of response (as discussed above)). While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes.

It would have been obvious to one of ordinary skill in the relevant art at the time of instant invention to incorporate O'Brien's feature into Castonguay et al's invention, thereby providing a system with enhanced functionality and improved utility.

f) updates the work schedules of said first one of employees and said second one of the employees (Castonguay et al: Col. 4, lines 23-26 read with Fig. 4 (56), col. 8,

lines 17-19. Applicant will appreciate that referenced “update” function would be used for claimed limitation/purpose) to reflect the proposed shift trade, the updating occurring without previous direct interaction between the first one of the employees and any other of the employees with respect to the proposed shift trade (See discussion of Applicant’s claim 1c) above and also the motivation); and

g) removes said proposed shift trade from said shift pool (Castonguay et al: Col. 4, lines 1-3, Fig. 5 (F6- Delete). It needs be mentioned that edit with delete function or Fig. 5’s delete function would be used to delete/remove the claimed shift trade from the shift pool. For discussion about “shift trade” and “shift pool” see the discussion of Applicant’s claims 31a) and 19a) above).

Claim 32. The method of Claim 31 wherein said shift pool comprises a listing of proposed shift trades that can be viewed by employees seeking to modify their schedule (Castonguay et al: Fig. 5 (Title: TOUR TEMPLATE), col. 2, lines 48-50, col. 13, lines 20-21 col. 16, lines 14-15. Reference’s “building agent list” function would be used for creating the listing of proposed shift trades. Furthermore, reference’s agent workstations (Col. 5, lines 46-47) would be used to employees viewing the listing and “modify” function would be used to modify employees’ schedule).

Claim 33. The method of Claim 31 wherein said posting allows other employees to view and sign-up for said proposed shift trade (Castonguay et al: Col. 2,

lines 59-62. Applicant will appreciate that references view function would be used for claimed purpose).

Claim 34. The method of Claim 31 further including the step of displaying to an employee on an employee interface only the proposed shift trades that said employee on an employee interface is qualified to perform (Castonguay et al: Col. 2, lines 65-66 and Fig. 1 (24), col. 5, lines 55-57. Applicant will appreciate that display function would be used for claimed limitation).

Claim 35. The method of Claim 31 wherein creating a proposed shift trade comprises:

a) logging onto said scheduling system at an employee interface (Inherent, since log in is the first basic step for any computer user); and

b) selecting which shift hours of a proposed shift trade said posting employee desires to post (Castonguay et al: Col. 18, lines 51-54, Fig. 5 (HOURS: 40:00 etc.).
Applicant will appreciate that reference's choosing or select function would be used for claimed purpose).

Claim 49. (Amended herein) A computer program product comprising a computer usable medium having computer program logic recorded thereon (Castonguay et al: Fig. 1 (16, 18), the databases comprise devices, such as HD, CD, Diskette etc. as storage means which have programs recorded thereon) for providing an

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automated employee schedule distribution system for use by an entity to distribute employee schedules and to thereafter to assist in the modification of employee schedules after distribution of the schedules to the employees and in response to changes in anticipated workload occurring after distribution of the employee schedules to the employees, said computer usable medium comprising at least the following:

- a) computer program code logic configured to store schedule data on a storage medium (Castonguay et al: Col. 13, lines 48-49, Fig. 4 (56), col. 8, lines 17-19), wherein said schedule data comprises the work schedules of a plurality of employees (Castonguay et al: Figs. 5 and 8, col. 8, lines 3-4 and col. 13, lines 20-21);
- b) computer program code logic configured to monitor (Castonguay et al: Col. 13, lines 48-49, col. 2, lines 63-66), for requests for said employee schedules from employees at employee interfaces (Col. 5, lines 46-47 and 52. Reference's "monitoring" program or function would be used for claimed purpose in light of discussion about use of O'Brien's computer 120 both by management and employees in Applicant's claim 16b) above);
- c) computer program code logic configured to transmit said employee schedule to said employee interface (Castonguay et al: Col. 13, lines 48-49 and 52, col. 5, lines 55-57, Fig. 4 (56) sending (transmitting) data to agent (employee) workstations (Col. 5, lines 46-47) or to workstations 24 as indicated by bidirectional arrow in light of discussion about use of O'Brien's computer 120 both by management and employees in Applicant's claim 16b) above);

d) computer program code logic configured to allow for establishment of at least one sheet containing respective slots (Castonguay et al: Col. 13, lines 48-49 and discussion in Applicant's claim 25a) above), for employees to sign up for additional or reduced hours (See discussion in Applicant's claim 17 above)), each of the slots corresponding to an offer to adjust a number of employees specified by the previously distributed schedule to work during the work shift (See discussion of Applicant's claim 25a) above) without previous interaction between the employees with respect to the respective slots (See discussion of Applicant's claim 1c) above wherein neither would have communication or contact or interaction relative or with respect to requisite or respective slots and also see the motivation);

e) computer program code logic configured to display said at least one sheet to at least one employee (Castonguay et al: Col. 13, lines 48-49, col. 5, lines 46-47 or Fig. 1 (24 in 22a-22n), col. 5, lines 55-57 and 63-64 and Fig. 5, col. 8, lines 3-4. Reference's "tour sheet" points to claimed "sheet". See discussion about use of management workstations 24 by employees in Applicant's claim 16b above); and

f) computer program code logic configured to accept employee sign up to said at least one sheet (Castonguay et al: Col. 13, lines 48-49, Fig. 5 (option YES under WORK DAYS). Reference's "Yes" option would be used and considered to be the indication of users' (employees') acceptance. Regarding use of reference's system by both management and agents (employees), see discussion in Applicant's claim 16b) above).

Claim 50. The computer program product of Claim 49 wherein said storage medium comprises a hard disk drive (Castonguay et al: Fig. 1 (16, 18 or Fig. 4 (any of 48, 53, 56), either database would comprise storage means/device including HD).

Claim 51. The computer program product of Claim 49 further including computer program code logic configured to allow a posting employee to post proposed shift trades to a shift pool (See the discussion of Applicant's claim 31b) above).

Claim 52. The computer program product of Claim 51 further including computer program code logic configured to display said shift pool so that employees other than posting employees can view said proposed shift trades and sign-up to work shifts in said shift pool of proposed shift trades (See discussion of Applicant's claim 31c) above).

11. Claims 4, 7 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in view of O'Brien (US Patent 6,587,831 B1) and further in view of Bonner et al (US Patent 5,842,182).

In the following claim:

Claim 4. The system of Claim 1 further including an attendance module configured to utilize said data representing the work schedules and data regarding which workers are present in the work place to determine worker attendance.

Castonguay et al teach:

data representing the work schedules and data regarding workers (Fig. 8 (60 and 61), where 60 depicting “work schedule(s) or data representing work schedules” and entries under 61, are data relating to (regarding) agents (or workers)); yet Castonguay et al and O’Brien do not teach undernoted feature:

an attendance module.

However, Bonner et al teach the same (Fig. 1 (12), Col. 3, lines 13-20). While Castonguay et al provide planning and scheduling personnel, O’Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees and Bonner et al deal with time and attendance reporting system. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes and enter their requisite work attendance time.

It would have been obvious to one of ordinary skill in the relevant art at the time of instant invention to include Bonner et al’s feature into Castonguay et al’s invention, thereby providing a function (or module) which a fundamental requisite for any organization having workers or employees.

In the undernoted claim:

Claim 7. The employee interface of Claim 6 wherein said employee interface further includes a printer.

Castonguay et al teach:

employee interface (col. 5, lines 45-47, wherein “agent work station” representing “employee interface”.

Castonguay et al do not teach:

printer.

However, Bonner et al teach the same (Col. 3, lines 32-34). While Castonguay et al provide planning and scheduling personnel, O’Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees and Bonner et al providing a system including printing means. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes and facilitating to provide a hard copy.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant’s invention to incorporate Bonner et al’s feature into Castonguay et al’s invention, because it would facilitate to advantageously employ/use the prevalent device/means for printing.

In the undermentioned claim:

Claim 45. The scheduling apparatus of Claim 44, further including means for printing said schedule upon request of one of said employees.

Castonguay et al teach:

scheduling apparatus (Col. 6, lines 23-25, wherein cited “scheduling method” inferring provision of “scheduling means or apparatus”).

Castonguay et al do not show:

means for printing.

However, Bonner et al teach the same (Fig. 1 (22), col. 3, lines 33-34. It needs be mentioned that printing means would print the schedule on user/employee's request).

While Castonguay et al provide planning and scheduling personnel, O'Brien teaching a system allowing employees access the host to input data or modify their schedule without needing any communication, contact or interaction with any one of other employees and Bonner et al providing a system including printing means. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes and facilitating to provide a hard copy.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's printing means into Castonguay et al's invention, because it would facilitate to advantageously employ/use the available device/means.

12. Claims 8-12, 14, 15, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in view of Client/server: HR's Helping Hand? (hereinafter HR).

Castonguay et al teach:

Claim 8. A system to distribute a work schedule to a work force and allow for modifications to said work schedule (Col. 2, lines 59-62, col. 16, lines 12-15, 28-32), comprising:

- a) at least one data storage device to store schedule data (Fig. 4 (56), col. 8, line 19);
- b) at least one computing device in communication (Fig. 1 (24, 12), col. 5, lines 55-57, col. 6, lines 8-15, claim 1, col. 20, lines 58-60, 63-64) with said at least one data storage device to organize, oversee distribution, and enable at least a first one of the employees to initiate at least one modification to his or her own respective schedule data (Claim 1, elements a-d (specifically col. 20, line 61, col. 21, lines 10-21), col. 22, lines 6-7); and

In the following element Castonguay et al show all limitations:

- c) at least one (kiosk) located remote from said computing device (Castonguay et al: Fig. 1 (12), col. 5, lines 40-(41), said at least one {kiosk} and in communication with said computing device to provide an interface for the first one of the employees to view his or her work schedule or to initiate changes to his her own work schedule after distribution of the work schedule, without previous interaction between the first one of the employees and any other of the employees with respect to the changes (Castonguay et al: Col. 5, lines 46-47, Fig. 4 {56}, col. 8, line 9) or (propose changes) to their work schedule.

Castonguay do not teach:

kiosk useable to propose changes.

However, HR teaches kiosk (Page 2, para III, lines 2-6, page 3, para II, lines 3-12, para V, lines 6-10) and the kiosk allows employees to update their own records (page 2, para III, line 3. Moreover, HR teaches “adding” and “altering” as well as “generating” functions (Page 3, para II, lines 10-12). HR also teaches “routing proposals” (Page 2, para III, lines 5-6). Applicant will appreciate that in the cited recitation, there is a suggestion that HR did have the capability (or functionality) of generating (creating) some kind of proposal before it were routed. Reference’s “adding”, “altering” and “generating” functions would be used by above cited employee for making proposal (proposing) additions or alterations to their schedules taught by Castonguay et al. While Castonguay et al provide planning and scheduling personnel, HR teaches a system comprising a kiosk. The combination would provide a system facilitating availability of means at various places or locations.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant’s invention to incorporate Bonner et al’s printing means into Castonguay et al’s invention, because it would facilitate to advantageously employ/use the available device/means and function thereof and thus saving money and time which would be spent on R&D.

Claim 9. The system of Claim 8 wherein said at least one kiosk includes a display and user interface software (Inherent, since a display and software are essential elements of a kiosk).

Claim 10. The system of Claim 8 further including an overhead display monitor in communication with said computing device to display schedule information to a plurality of workers (Inherent, either Castonguay et al's workstation 24 or HR's Kiosk, when mounted on a bracket/wall would function as overhead display monitor and would communicate with either systems central or other computers).

Claim 11. The system of Claim 8 further including an interface with an activity monitoring device (Castonguay et al: Col. 2, lines 59-63. It needs be mentioned that monitoring function would be stored/recorded on some storage/recording medium, such as 16 or 18) in communication with said computing device to determine the presence of a worker (activity) at a place of work (Castonguay et al: Fig. 1 (24 in 22a-22n communicating with 12 via 26a-26n)).

Claim 12. The system of Claim 8 further including an interface with an activity monitoring device (Castonguay et al: Col. 2, lines 59-63 as explained above and col. 3, lines 6-8) in communication with said computing device to checking (or monitoring) the presence of a worker (or activity) at a place of work).

Claim 14. The system of Claim 8 wherein said kiosk comprises a networked computer having software configured to provide an employee interface (Inherent, since kiosk has to communicate with a remote computer, it has to have networking capability and software essential for its functioning).

Claim 15. The system of Claim 8 wherein said data storage device comprises a hard disk drive (Inherent, since a computer has to have some kind of storage including HD).

In the following claim:

Claim 22. The method of Claim 16 wherein said one or more terminals comprise one or more overhead display monitors and one or more kiosks.

Castonguay et al teach:

one or more terminals (Castonguay et al: Col. 5, lines 46-46, Fig. 1 (24s in 22a-22n). It needs be mentioned that when workstations/monitors would be mounted on a bracket/wall, would function as overhead displays).

Castonguay et al do not teach:

kiosks.

However, HR teaches the same (Page 2, para 2, line 2). While Castonguay et al provide planning and scheduling personnel, HR teaches a system comprising a kiosk. The combination would provide a system facilitating availability of means at various places or locations.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's printing means into Castonguay et al's invention, because it would facilitate to advantageously employ/use the prevalent device/means and save money and time which would be used for R&D.

Claim 24. The method of Claim 18, wherein said terminal comprises a kiosk
(Please see discussion of applicant's claim 22 above).

13. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Castonguay et al (US Patent 5,911,134) in view of Client/server: HR's Helping Hand? (hereinafter HR) and in further view of Bonner et al (US Patent 5,842,182).

In the following claim:

Claim 13. The system of claim 11 wherein said monitoring device comprises an electronic time clock.

Both Castonguay et al and HR fail to teach:

electronic time clock.

However, Bonner et al teach the same (Fig. 2 (32), col. 3, lines 36-38). While Castonguay et al provide planning and scheduling personnel, HR dealing with a system comprising kiosk, Bonner et al providing a system including time recording means. The combination would provide a system allowing the particular employees remote access to receive schedule for them, modify or make changes, allowing entering attendance time and facilitating to provide a hard copy.

It would have been obvious to one of ordinary skill in the relevant art at the time of applicant's invention to incorporate Bonner et al's printing means into Castonguay et al's invention, because it would facilitate to advantageously employ/use the device/means in practice.

Response to Arguments

14. Applicant's arguments filed April 21, 2003 have been fully considered and are responded below.

In the Remarks Applicant argues that:

a) Castonguay et al do not teach: "enabling employees to propose or initiate changes".

In this regard Applicant is reminded of the following Case Law:

One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Moreover, it is a newly added feature, for which O'Brien's reference has been added which teaches the recited feature (Col. 9, lines 18-24, wherein "employee entering changes" regarding his availability on weekend clearly indicating system's allowing or enabling employee's "proposing or initiating changes". An appropriate motivation statement has been provided.

b) O'Brien teaches: "an employee **must** first locate or find a second employee to swap a shift, and then second employee **must** submit a corresponding swap request". Applicant's statement is contrary to actual teaching of O'Brien. O'Brien's col. 8, lines 54-56 and 57 respectively recite: "An employee or first one of the employees" entering his swap request to the system without any reference to any other or second one of the employees. In other words, said employee has no communication or contact or

interaction with any person including other or second ones of the employees as envisaged by the Applicant. Moreover, it is not a requirement for the first one to find a second employee with whom he wants to swap his shift as indicated by Applicant's "must find". Similarly, Second one just enters his swap request similar or corresponding to first employee. There is mention that second one has any knowledge about first employee's swap request.

Again, recitation of "employee may use bulletin system to find an employee with whom to swap, col. 9, lines 6-8". Here, too, first employee simply looking up bulletin system to see or find if there were an other employee who would have entered his swap request in the system. There is no indication that first employee had or is required to have any communication or contact or interaction with any one or second employee.

In the light of above stated facts, it is stated that Applicant's arguments have been fully considered, deemed unpersuasive and prior rejection is maintained.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is 703-308-6683. The examiner can normally be reached on 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Irshadullah
February 17, 2004

TARIQ R. HAFIZ
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